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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 VICTOR TAGLE, SR., ) 3:16-cv-00148-MMD-WGC  
9 Plaintiff, )  
10 vs. ) **ORDER**  
11 STATE OF NEVADA, *et al.*, )  
12 Defendants. )  
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15 Plaintiff has filed a “Request” which seeks multiple items of relief (ECF No. 121). Although the  
16 same document appears on the court’s docket as ECF Nos. 121 and 122, the court has administratively  
17 logged in each document separately, according, as best as the court can ascertain, to the nature of the  
18 relief Plaintiff appears to be seeking. Accordingly, ECF No. 121 has been designated as a “Request for  
19 Complaint’s Copies” and ECF No. 122 has been designated as a “Request for W. Cobb dismissal.”

20 The court directs Defendant’s counsel to respond to each of Plaintiff’s “Requests” by  
21 September 11, 2017. Plaintiff shall have until September 18, 2017, to reply to Defendant’s responses.

22 While the court will await further memoranda from the parties on these filings to address  
23 Plaintiff’s “Requests,” the court in the interim will respond to Plaintiff’s complaint the United States  
24 Magistrate Judge improperly dismissed Defendants McDaniel, Baker, Caldwell and State of Nevada  
25 from this case as being in excess of the undersigned’s jurisdiction under 28 U.S.C. § 636. For Plaintiff’s  
26 information, the dismissal of Defendants McDaniel, Baker, State of Nevada, and Caldwell occurred in  
27 the Screening Order of District Judge Du. (ECF No. 6.)

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1 Judge Du stated that although Defendants McDaniel and Baker were named as Defendants in  
2 Plaintiff's complaint, there were no charges or allegations asserted against them in the complaint. (*Id.*  
3 at 6). Caldwell was dismissed because Judge Du found "Plaintiff failed to state a colorable claim  
4 against Caldwell" because "based on the allegations, it does not appear that Caldwell had used any force  
5 against the Plaintiff for the purpose of maliciously and sadistically causing harm." (*Id.*) The State of  
6 Nevada was dismissed as it is not considered a "person" under 42 U.S.C. § 1983.

7 Therefore, Defendant does not have to address the issue of the dismissal of these Defendants by  
8 the Magistrate Judge as the dismissal of them was clearly within the constitutional and statutory  
9 authority of the District Judge.

10 The Clerk shall include a copy of Judge Du's Screening Order (ECF No. 6) when serving this  
11 Order upon Plaintiff.

12 **IT IS SO ORDERED.**

13 DATED: August 28, 2017.

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15 WILLIAM G. COBB  
16 UNITED STATES MAGISTRATE JUDGE  
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